



Date: August 14, 2020

To: Andrew Crabtree, Director of Community Development

From: Deanna J. Santana, City Manager / Director of Emergency Services

Subject: Direction on rules and regulations related to the current Local Emergency for certain specified land uses

On March 11, 2020, in response to the very serious public health threat posed by the ongoing COVID-19 pandemic, I issued a Proclamation of a Local Emergency in my role as Director of Emergency Services. Pursuant to City Code § 2.140.060(f)(1), I have the authority to issue rules and regulations on matters reasonably related to the protection of life and property under the current declared Local Emergency. Further, City Council Resolution 20-8871 grants the City Manager the authority to consider and approve "administrative matters needed for the on-going operation of the City" during the Council recess currently in effect.

The City has recently received a request from Kaiser Permanente to operate an outdoor, drive thru, flu shot clinic at the Mission College parking lots (3000 Mission College Boulevard), which is a use not expressly allowed by the current B-Public/Quasi-Public Zoning District for the property. Responding to prevalence and severity of the flu, which could potentially compound the impact to hospitals already caused by COVID-19, is a public health concern. In addition, a flu shot clinic must be conducted outdoors to maintain social distancing for the large numbers of individuals to be vaccinated. An outdoor flu clinic would typically require a Special Permit, which would be heard by City Council. Allowing outdoor operations for these uses would thus be reasonably related to the protection of life and property, as authorized by § 2.140.060(f)(1).

The City has also received requests from operators of bingo halls to continue with bingo activities with individuals participating solely outdoors within their own enclosed vehicles. Due to COVID-19 pandemic, the State Health Officer and County Order has generally prohibited gatherings statewide, with limited exceptions for worship services, cultural ceremonies like weddings and funerals, and protest activities; however the State Public Health Officer "does not consider in-car activities to be gatherings, if participants stay in their cars and otherwise remain apart from individuals who are not part of their households."* In the City, a bingo hall operator must obtain operate in an Industrial zoning districts (ML-Light Industrial; MH-Heavy Industrial; MP-Planned Industrial) with a conditional use permit. Provided that a conditional use permit has been obtained for the bingo hall use itself, providing a safer alternative to allow for outdoor bingo, so that individuals do not violate social distancing requirements, is reasonably related to the protection of life and property, as authorized by § 2.140.060(f)(1).

Direction on Specific Land Uses

Acting in accordance with these provisions, the following land uses are to be considered permissible for the duration of the Local Emergency:

1) Outdoor Flu Shot Clinic

Operation of an outdoor flu clinic by Kaiser Permanente for the purpose of administering flu vaccine shots in the parking lots of the Mission College (3000 Mission College Boulevard) within the B Public/Quasi-Public Zoning District is hereby permitted as a use necessary to protect public health, directly related to the current Local Emergency.

2) Outdoor Bingo

When there is a legally established bingo hall within any of the following Industrial Zoning Districts pursuant to a validly issued conditional use permit, the requirement to operate wholly within an enclosed building as otherwise established by the following Zoning Code sections is hereby suspended:

- ML: §§ 18.48.020, 18.48.040
- MH: § 18.50.040
- MP: § 18.46.040

Permit Requirement

Operation of these two uses shall be subject to issuance of a Permit for Outdoor Commercial Activities as issued by the Community Development Department and conducted in a manner consistent with the requirements established within that Permit, as well as consistent with all other applicable regulations including Orders issued by the State and/or County Health Department, but exclusive of the specific requirements of the City's Zoning Code that have been suspended as set forth above. The Director of Community Development is hereby instructed to prepare a permitting program necessary to implement this direction.

Effective Period

This direction shall take effect immediately and shall remain in effect until rescinded or until a proclamation has been issued declaring the Local Emergency to be concluded, either by me in my role as Director of Emergency Services or by the City Council.

**Source: State's Covid 19 website <https://covid19.ca.gov/stay-home-except-for-essential-needs/#top> listed under the subcategory of "Protected Activities"*

Approved on August 17, 2020 by



Deanna J. Santana
City Manager/Director of Emergency Services